INDEX

	Page
Jurisdiction	1
Questions Presented	2
Statement of the Case	3
Conclusion	6

IN THE

Supreme Court of the United States

No. 904, October Term, 1970

DUNCAN E. McPHERSON,

Petitioner,

vs.

MANNING WALKER, JOHN M. PETERS, PETER J. PETERS, PAUL H. SULHOFF, WINFRED A. PHILLIPS, GRACE G. PHILLIPS, and WINFRED A. PHILLIPS, d/b/a WINN PHILLIPS AGENCY,

Respondents.

REPLY BRIEF TO BRIEF IN OPPOSITION FOR WRIT OF CERTIORARI

JURISDICTION

Mr. Tinley, counsel for defendents, respondents, Walker et al, is attempting to arbitrarily limit the scope of this court's authority and jurisdiction because he fears the valid considerations of the question presented by petitioner might produce unfavorable results.

QUESTIONS PRESENTED

The attorneys for the defendents are alleging some difficulty in understanding the unusual circumstances and unusual rulings of awarding authority where such purported authority was clearly limited and where the release contract was clearly fradulent and false and then improperly applying ratification where it has been disallowed by law. All this for the benefit of an officer of the courts making the ruling.

Is this a departure from the accepted and usual course of judicial proceedings? Are these attorneys able to grasp this issue?

STATEMENT OF THE CASE

1. The allegation that petitioner has made numerous false statements is categorically denied.

Referring to respondents' paragraph No. 1 Mr. Tinley complained about the sufficiency of the $250.00 requirement. When Petitioner stipulated to Mr. Tinley's contention of value, he should have set the record straight as to what he meant. By his past conduct he has "ratified" the petitioner's contention of value less than $250.00 and he should be estopped from now trying to lie his way out of his truthful statements. Besides the property is worth less than $250.00.

2. My but they are sensitive about this. I was not sure it was even true. I heard it from someone after the trial. It appears now this little fact is true, and I can truly harbor doubts about the implications. I wish I had known about it during discovery.

3. Mr. H. Foulks, attorney for petitioner, told me he remembered talk about divorce. Mrs. McPherson appeared on the stand twice, the record shows only once. The contention of missing testimony and that Mrs. McPherson was asked about divorce by Mr. Tinley was made on appeal. By his conduct Mr. Tinley has "ratified" petitioners contention as he took no exception to it

at this time and he should be estopped from taking exception at this late date.

4. Interrogatories were served on defendent respondent Walker asking why all the evidence was not listed, such as missing power of attorney the only one executed, a purportedly, missing Statement of Account, abstracts etc., etc. They answered that the original question was general and they didn't know I wanted all the papers, or words to this effect. This paragraph of Mr. Tinleys' is a deliberate, willful and chicanerous deception.

5. McPherson accurately quoted the first admonishment; Mr. Tinley is going on here about the second admonishment.

These admonishments clearly show a biased court. Are we to believe that if this jurist were the friend of, say, Sirhan Sirhan and James E. Ray that he would tell the prosecution that no intolerant accusations would be tolerated?

All accusations made by petitioner were reasonably believed to be true and in some cases of perjury irrefutably proven true to an impartial umpire.

CONCLUSION

The plot here was that McPherson couldn't get a lawyer to prosecute this case, I couldn't either, Mr. Pogge came in late. There is no question that my style and competence at this do it your-

self job is much inferior as I am not experienced or trained in this discipline, because of this I may end up proving only that these gauche egotists will hesitate before they knife another of their clients in the back with a bunko release contract, while falsely pretending to bring the political town crook to the bar, for just cause.

Respectfully submitted,

Duncan E. McPherson
9813 Walnut St.
Omaha, Nebraska 68124